

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA
V.

Martha Yudit De Leon-Tovar

Principal

YOB: 1993

Mexico

United States District Court
Southern District of Texas
FILED

APR 03 2018

CRIMINAL COMPLAINT

Case Number:

M-18- 706 -M

(Name and Address of Defendant)

, Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 2, 2018 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Ana Lucia Garcia-Ajpacaja, a citizen of Guatemala, and Jose Daniel Cruz-Yanez, a citizen of Honduras, along with eighteen (18) other undocumented aliens, for a total of twenty (20), who had entered the United States in violation of law, concealed, harbored or shielded from detection or attempt to conceal, harbor, or shield from detection such aliens in any place, including any building or means of transportation, to-wit: at a residence located in Edinburg, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(iii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 30, 2018, Border Patrol Agents received information regarding a possible house used to smuggle undocumented aliens located at 3206 East Pluto Street in Edinburg, Texas.

SEE ATTACHMENT

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ NoOK to file - ASJA Linda Resendez
4/3/18

Signature of Complainant

David Bernal III

Senior Patrol Agent

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

April 3, 2018
Dateat McAllen, Texas
City and StateJ Scott Hacker, U. S. Magistrate Judge
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18- -M

RE: Martha Yudit De Leon-Tovar

CONTINUATION:

On April 2, 2018, Agents conducted surveillance and observed a two female subjects exit the suspected stash house and depart in a pickup truck. Agents proceeded to follow the pickup truck to a restaurant located in Edinburg, Texas. At the parking lot, agents approached the driver of the pickup truck as she was walking towards the restaurant. Agents identified themselves as Border Patrol Agents and conducted an immigration inspection on both female subjects. The driver was identified as Martha Yudit De Leon-Tovar, a Citizen of Mexico and the passenger was identified as Ana Garcia-Ajpacaja, a citizen of Guatemala. Both subjects were determined to be illegally present in the United States.

De Leon was read her Miranda Rights and was questioned by agents about her possible involvement in human smuggling. De Leon admitted to harboring illegal aliens at her residence and freely state that Garcia was a smuggled alien from Guatemala. Lastly, De Leon gave written and verbal consent to search her residence.

Agents proceeded to the suspected stash house and encountered 19 subjects inside. Jose Daniel Cruz-Yanez and the additional 18 subjects were all determined to be illegally present in the United States.

All subjects were transported to the Centralized Processing Center to be processed accordingly.

PRINCIPAL STATEMENT:

Martha Yudit De Leon-Tovar was read her Miranda Rights. She understood her rights and agreed to provide a sworn statement without the presence of an attorney.

De Leon stated she has been harboring illegal aliens at her house for approximately three months and receives \$115 USD per alien. De Leon claims she has harbored approximately 75 aliens during this period.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-18- -M

RE: Martha Yudit De Leon-Tovar

CONTINUATION:

MATERIAL WITNESSES STATEMENTS:

Ana Lucia GARCIA-Ajpacaja, a citizen of Guatemala, was read her Miranda Rights and agreed to provide a statement.

GARCIA stated her father made her smuggling arrangements and was to pay \$72,000 Quetzals. Once in the United States, GARCIA stated she was eventually transported to a house. At the house, GARCIA stated a woman later arrived and took her phone away, instructed her to stay in a room, and remain quiet. GARCIA identified DE LEON through a photo lineup as the caretaker of the house.

Jose Daniel CRUZ-Yanez, a citizen of Honduras, was read his Miranda Rights and agreed to provide a sworn statement without the presence of an attorney.

CRUZ stated he made his smuggling arrangements with an unknown smuggler and was to pay \$2,000 USD. After crossing the river, CRUZ stated he was eventually transported to the house where he was later arrested. CRUZ claims when he arrived at the house; a woman was there to receive him and took his phone away. CRUZ claimed the woman instructed him to go to a room and to stay quiet. CRUZ identified DE LEON through a photo lineup as the caretaker of the house.